



MEETING SUMMARY

**CALIFORNIA WATER PLAN UPDATE 2013
DAC-EJ CAUCUS MEETING
1:00 - 4:00 P.M.
815 S STREET, SACRAMENTO, CA**

Meeting Objectives

- Highlight and receive recommendations on DAC/EJ topics contained in the Water Plan
- Receive input and recommendations on the Water Plan Progress Report
- Outline on-going issues associated with implementation of Integrated Regional Water Management
- Determine Next Steps for the Caucus

Welcome and Overview

The DAC-EJ Caucus met on April 9, 2013. Lisa Beutler, Facilitator, reviewed the agenda and materials for the meeting. Introductions were made around the room and on the webinar.

The first part of the meeting continued the discussion relating to the report *Californians without Safe Water and Sanitation*. Maria Kennedy, DAC-EJ Caucus Co-chair, thanked everyone who contributed to the session. There were many suggestions that were provided. She expressed her hope that everyone would be generous with their time and text in sending draft language to Jose Alarcon. The goal for the DAC-EJ Caucus session is to provide feedback to Megan Fidell on the Progress Report.

Kamyar Guivetchi, DWR, Manager, Statewide Integrated Water Management, likewise welcomed participants and noted that the agenda for this session involves quite a bit of work. Laurel Firestone, Community Water Center, echoed Ms. Kennedy's comments that the caucus members will need to help provide content for the *Californians without Safe Water Report*.

2009 Progress Report

Megan Fidell, DWR, Progress Report Lead, explained that Update 2013 of the California Water Plan includes a new feature, which is the Progress Report. The Report is a stand-alone document which will ultimately come out counter-cycle to the Water Plan. It is designed to answer whether or not the Water Plan is being implemented. This is critical to understand, especially when considering the time and commitment made by stakeholders and staff. The Progress Report looks at the effect of the previous Water Plan Update. The focus of the report is on the status of the objectives and related actions, which comprise the Implementation Plan.

Objective 13 address Disadvantaged Communities (DACs) and Environmental Justice (EJ). For Update 2009, there were eleven related actions. When the actions were first developed, the progress report was not envisioned – it turns out that the actions are challenging to evaluate. The



caucus members generally did not complete the forms, and staff did a first cut at ranking process. The evaluation metrics ask whether the status of the action is excellent, good, fair, poor or unreportable for current programs. The overall trend is rated as either having no, slow, medium or fast progress.

One of the questions posed about the Water Plan is: “What results from making these recommendations?” In working to create a progress report, one of the findings is that the actions, as written, cannot be measured. Having the conversation about whether or not progress is being made, is helpful in itself. The conversation is one that we need to be in. The progress report has a one-page summary for each objective which: states the objective, provides a ranking of progress (for overall status, and the overall trend), successful actions, delayed actions, and prominent barriers.

The Objective 13 ranking table was introduced at a DAC-EJ Caucus meeting in January 2012. At the time, caucus members did not feel that they were the right candidates to be completing the table. It was suggested that other people needed to be asked. No staff member at DWR was able to evaluate the DAC-EJ actions, and there is a placeholder for Objective 13 in the current draft of the Progress Report. This information will be included in Chapter 1 of Volume 1 (as was shown in the draft of Chapter 1) . The table helps illustrate how the state is doing in terms of each objective. It also helps inform whether the items are actionable.

The implications of the dashboard standings (red, yellow, green coding) will help the caucuses develop actions for Update 2013. If an item is red/red, there should be a discussion of the prominent barriers. The responses represent best professional judgment of the respondents.

Looking at the first action for Objective 13, the following comments were made:

- This will be hard to track, since multiple agencies are involved. To achieve an understanding, each agency will need to respond.
- Is there a way to indicate who is ranking the objectives? We could add a column indicating an agency response or a stakeholder response.
- The responses to the individual actions will roll up to address overall progress for the overarching objective.
- It is dangerous to present these findings, when this actually represents a methodological work in progress.
- What are the implications of a red/red status? It would indicate that the actions did not move forward and do not appear to be moving forward. It does not indicate that attention was not given to the objective and related actions.
- The status of ensuring access to safe drinking water is red. The trend might be yellow.
- It was proposed that input be provided on the 11 actions. The rankings would be rolled up to provide ranking for the overall objectives. The DAC-EJ Caucus members would then review the overall ranking and revise it, if necessary.



- Regarding the overall objective, it was suggested that the direction was not a negative value. It's a very slightly positive trend. There has been some progress. There has been genuine concern about DAC-EJ projects. Conversely, there was a suggestion that the progress that has been made still leaves DAC-EJ in a red status.
- It was suggested that the questions of access and distribution should be answered by those in the communities themselves. It would be important to capture as a finding that community members are not involved in evaluating the progress themselves. Looking at the past is one parameter. Another parameter, perhaps more importantly, is what is happening in the communities themselves.
- The DAC-EJ caucus voted to rate the objective red-yellow (red status and yellow trend) with additional explanation. State agencies stood aside for the vote.
- There was a comment about human capacity as a potential barrier to meeting the recommendations. This factor may also pose a barrier for other objectives.

ACTION ITEM: The worksheet for Objective 13 and actions will be sent to the DAC-EJ Caucus. There should be a column indicating members rankings and agency rankings.

ACTION ITEM: Caucus members to send in at least one recommendation or action for Objective 13 of Update 2013 – if more than 5, indicate your top 5, if more than 10, indicate your top 10.

Location of DAC-EJ Text in Update 2013

Hoa Ly, DWR, Resource Management Strategy Coordinator, provided an overview of the structure of the Water Plan. Emphasis was placed on Volume 1, where it is currently proposed that DAC-EJ issues would be included in the Critical Challenges section of California Water Today (Chapter 2) – as well as in the Implementation Plan (Chapter 8). Chapter 3 will include the Vision, Mission, Goals and Guiding Principles which also includes DAC-EJ perspectives and issues. Chapter 4 (Companion Plans) can include any state plan with guidance for DAC-EJ programs. Federal plans could also be mentioned.

Volume 2 contains the Regional Reports which describes existing conditions in the hydrologic regions. There is a section on local and regional information on DAC-EJ conditions. This would be a great location for a case study. Volume 3 comprises the Resources Management Strategies. There are several that could relate to DAC-EJ issues, such as: water quality, drinking water treatment and distribution, groundwater/aquifer remediation, matching water quality to use, conjunctive management and groundwater, outreach and education, and culture and water.

Ms. Hoa noted that the DAC-EJ documents contained in Volume 4 (for Update 2009) will carry forward for Update 2013. Volume 4 for Update 2013 will also contain the Report on *Californians with Safe Water and Sanitation*.



Discussion

- It was noted that the California Department of Public Health is required to release their Safe Drinking Water Plan every 5 years. This has not been occurring and there is a settlement process under way.
- Look at pulling information from the report on *Californians without Safe Water* into the Regional Reports.
- It might be helpful to cast “matching water quality to use” in light of the community experience.
- The drinking water RMS, should highlight the interest in finding shared solutions and looking at regionalized approaches. As a response, it was noted that the regional approach applies to all RMSs. This is called out in the beginning of Chapter 3, Volume 1. The Water Plan was still encouraged to call out shared solutions and regionalization for the drinking water RMS. This would focus on shared governance, management, operations, structures, and economies of scale – this is critical for affordability and TMF.
 - This could be developed as a recommendation for this RMS.
- DAC-EJ Caucus members were encouraged to review and comment on RMSs, flagging any related DAC issues and options for improving strategies.
- Chapters 3 and 4 address the decision-making processes and access to decision-making.

Objective 13

ACTION ITEM: DAC-EJ caucus members will send in at least one recommendation for Objective 13. If a member has more than 5 recommendations, indicate your top 5. If a member has more than 10 recommendations, indicate your top 10.

IRWM Discussion

Lisa Beutler noted that a letter was sent to DWR from the San Jerardo Cooperative. While the letter is not the subject of the day’s agenda item, it does touch on many of the concepts and issues regarding IRWM. DWR provides guidance on this program. There are issues relating to: moving from a local to regional discussion, how IRWM is implemented through the grants program, and representation.

Maria Kennedy agreed that more needs to be done on this. The concerns are with the consultants and elements of the DWR program. Many consultants do not know how to work with DACs. Ms. Kennedy is fortunate in that she receives considerable support from the IRWMs that she works with. Other IRWMs have faced significant challenges.

- There are significant funding challenges. Many DACs are not able to put together the application to fund the project. The application itself takes between \$10,000 - \$20,000 (upfront) which is not refundable until way down the road. The technical information



needed for the application supports a cottage industry of engineering consulting. There must be a way for the communities themselves to be part of the process.

- The neediest projects are often not advanced, unless larger are willing to subsidize pre-application and application costs.
- The message going out is that IRWMs are addressing DAC issues. The reality is that the funding is not reaching the DACs. It's a cumbersome process. Within the IRWM program, there is confusion over the inclusion of DACs.
- There are issues around the 10% set-aside, the participation of DACs, and the actual effectiveness of engaging communities and providing benefits to the DACs. There have been suggestions for how to address these issues.
- There are examples of grant funding being provided to bring people to the table. In some cases, DAC interests were told they were entering the process too late – that relationships had already been developed. There are questions of representation and resistance in bringing new people to the (IRWM) table. In the Central Coast, the IRWM is focused on the watershed. There isn't much space for communities in the valley. There is resistance from stakeholder, consultants and agencies. DWR also sends some mixed messaging – where there are funds set-aside in the planning grants, for technical assistance. But, that funding cannot be used for project preparation. The expectations are unrealistic about what a small community can do in advocating for itself.
 - Economic analysis alone is too burdensome.
 - DACs should be able to conduct the DAC cost-effectiveness analysis, which is much simpler than the cost-benefit analysis. When it comes to evaluate the whole analysis, the cost-benefit analysis is preferred.
 - Regarding the 10% set-aside, the DAC projects are supposedly evaluated on their own. In reality, the DAC projects become part of the suite of regional projects for that IRWM. The stakeholders and consultants try to weed out the weaker proposals to make sure the entire package is competitive.
 - The DAC projects are up against much larger projects.
 - Agencies need to partner with the smaller communities.
 - Partnerships can be used to broker some of the DAC projects. In one case, the county sponsored one project and provided the \$13,000 for the application fees and additional staff and engineering time. However, another project wasn't sponsored.
 - Is there a way to have DAC projects evaluated on their own merits, outside of the IRWM package? DAC projects only bring 2 points to the score. Ancillary benefits can be claimed for DACs, even though there are not direct or drinking water benefits. In response, it was explained that DACs cannot be evaluated separately. In Round 2, the program tried to greatly simplify the requirements for DAC projects. A cost-effectiveness analysis is allowable for up to \$1 million projects. Using a cost-



effectiveness approach shouldn't impact the score for the overall package. The whole proposal is scored. There should not be any negative impact from including DAC projects – that is a misconception.

- DWR should increase the points awarded for DAC projects.
 - Most of the proposals are written by engineering firms.
 - There's an existing power dynamic and imbalance.
 - DACs are often viewed as the weakest link and, in some cases, are discouraged from participating in IRWMs.
 - A simpler application process for DAC projects would make the IRWM process more accessible and less expensive for consultants to prepare and perhaps allow DACs to do their own. Is qualitative and quantitative benefit analysis really needed for DAC projects? This part of the application seems to be the most difficult for DACs to navigate.
- The problem is that DACs have no power or voice themselves in this process. They are dependent on agencies and consultants to speak and make decisions for them. In Maywood, the community didn't even know it qualified as a DAC until they were informed by a consultant. The communities need a space to assert their voice, define their problems and determine what is needed.
 - The need is great. There are some efforts underway. For example, DWR allocated funding to get at better approaches for engaging DACs. Much of the commentary is directed at DWR as having to solve the problem – some focus has to go to the legislature for programmatic package and the regions need to step up. Each region must be responsible for helping the DACs and being accountable for that.
 - It doesn't matter whose fault this is, we need to talk seriously about the best way for DACs to have a voice in this process. We are all in a conversation trying to solve a problem. We need to focus on solutions.
 - It was noted that Coachella IRWM has DAC projects in their Round 2 application and all of Imperial's IRWM projects are DAC projects.
 - The Imperial pilot project which is just beginning is targeting the issue of providing the DACs with technical info necessary and training them to prepare the technical analyses to support the IRWM project development grant proposals. - note these will be bilingual also part of the scope is to educate DACs on DWR's cost-effectiveness analysis guidelines needed.

Issues

- The issue is that there are procedural challenges related to the way that DWR assesses and sets up the grant evaluation process. The process doesn't fully incorporate the specific concerns of the DAC-EJ community, with regard to the structure issues of the process. In part, process improvements were made by the agency and failed to address the community concerns.



- Access to the process and representation.
- Grant application processes and how funds are distributed to the community.
- Limitations on how funding can be used. For example, there are not resources for physically getting people to the table.
- Fairness and weighting of DAC projects in the overall package.
- DWR is following legislative direction, which may require legislative solutions.

There was a question as to who set up the structure prohibiting the use of planning grant funds to create applications. The process should be realistic to the technical capacity and power imbalances experienced by DACs.

In response, it was noted that DWR can provide technical assistance to complete applications. Previously, there was a technical assistance set-aside for about \$1 million (somewhere around 2010). The Regional Offices were informed. There was not enough outreach to DACs and DWR did not receive requests for technical assistance. Regional office staff can provide some help but can't be involved in filling out applications.

- There is a disconnect – DAC advocates contacted Regional Offices trying to secure technical assistance and were not successful.

ACTION ITEM: DWR will follow-up with a meeting of DAC interests.

It was noted that in the 2009 Water Plan, DWR and many agencies didn't have an effective way to engage Tribes. The Water Plan consequently developed a Tribal Communication Plan. It might be useful to work with the DAC-EJ caucus to develop similar guidelines for better communication and outreach to DACs.

- Arsenio Mataca at Cal EPA has been looking at developing outreach guidelines.
- Adaptive strategies are needed to adapt the messages across cultures.

Maria Kennedy closed the meeting by expressing appreciation for everyone who participated. It is especially difficult to participate in an all-day conference call. She acknowledged everyone for their dedication. These conversations are not easy and it's healthy to get out all the perspectives. Ultimately, we need to address inequities. Thanks was extended to the agencies and organizations for their contributions.

Next Steps

ACTION ITEM: DAC-EJ members were invited to review draft versions of RMSs and Update 2013 chapters – and provide feedback on where DAC-EJ issues or case studies should be added in.

ACTION ITEM: The worksheet for Objective 13 and actions will be sent to the DAC-EJ Caucus. There should be a column indicating Members Send in at least one recommendation – if more than 5, indicate your top 5 – if more than 10, indicate your top 10.



Attendance

In Room:

Kenia Acevedo, California Rural Legal Assistance
Horacio Amequita, California Rural Legal Assistance
Colin Bailey, Environmental Justice Coalition for Water
Omar Carollo, Community Water Center
Laurel Firestone, Community Water Center
Liz Haven, State Water Board
Maria Kennedy, Co-Chair, DAC-EJ Caucus
Karen McBride, Rural Community Assistance Corporation
Noe Paramo, California Rural Legal Assistance Foundation
Jeanette Pantoja, California Rural Legal Assistance
Frasier Shilling, UC Davis

Jose Alarcon, DWR, Water Quality Team Lead
Zaffar Eusuff, DWR, IRWM Grants Program
Megan Fidell, DWR, Progress Report Lead
Kamyar Guivetchi, DWR, Manager, Statewide Integrated Water Management
Hoa Ly, DWR, Resource Management Strategy Coordinator
Lew Moeller, DWR, Update 2013 Project Manager

Facilitation: Lisa Beutler MWH; Judie Talbot, CCP

Webinar

Holly Alpert, Inyo-Mono IRWM
Raquel Ayala
Paul Boyer, Self Help Enterprises
Mark Drew, Inyo-Mono IRWM
Eric Osterling, Kings River Conservation District
Kim Richard, UC Irvine
Dale Schafer, CCP
Leonardo Vilchis, Union de Vecinos
Betty Yee, Central Valley Regional Water Board